

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Justin D. Thomas,

Petitioner,

v.

**Case No. 3:15-cv-163
Judge Thomas M. Rose**

**Charlotte Jenkins, Warden, Correctional
Institution,**

Respondent.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ (DOC. 3), OVERRULING PETITIONER'S OBJECTIONS TO THE
MAGISTRATE'S PROPOSED FINDINGS AND RECOMMENDATIONS,
(DOC. 4), DENYING PETITION FOR WRIT OF HABEAS CORPUS, (DOC.
1), AND TERMINATING THE INSTANT CASE.**

Pending before the Court are Petitioner Justin D. Thomas's Objections to the Magistrate's Proposed Report and Recommendations. (Doc. 4). The Report and Recommendations of United States Magistrate Judge Michael R. Merz, (Doc. 3), recommends that the Court dismiss the petition (Doc. 1) with prejudice.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections, (Docs. 4), to the Magistrate Judge's Report and Recommendations, (Doc. 3), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Petition (Doc. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with he

Magistrate Judge's recommendation, Petitioner is be denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Tuesday, July 21, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE